

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMAS J. CAPANO,
Petitioner,

v.

THOMAS CARROLL, Warden, *et al.*,
Respondent.

:
:
:
: Civil Action No. 06-58 ***
:
:
:

MOTION TO EXTEND TIME FOR FILING OF REPLY BRIEF

The Petitioner hereby moves the Court to grant an extension of time for the filing of the Petitioner's Reply Brief, which is currently due on or before August 13, 2007, to allow said Reply Brief to be filed on or before September 17, 2007. In support of this Motion, it is represented as follows:

1. The requested extension of time is needed because counsel for Petitioner will be relocating his primary residence from Wilmington, Delaware to Bonita Springs, Florida between August 10, 2007 and August 30, 2007. During this time, counsel will be unable to devote any time to the preparation of the Reply Brief.

Local Rule 7.1.1 Certification

The undersigned hereby certifies that he has contacted Elizabeth R. McFarlan, Esquire, counsel for the respondents, who does not object to the Motion.

/s/ Joseph M. Bernstein
JOSEPH M. BERNSTEIN (#780)
800 N. King Street - Suite 302
Wilmington, DE 19801
302-656-9850
Jmbern001@comcast.net
Attorney for Petitioner

Dated: August 6, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THOMAS J. CAPANO,
Petitioner,

v.

THOMAS CARROLL, Warden, *et al.*,
Respondent.

:
:
:
: Civil Action No. 06-58 ***
:
:
:

ORDER

AND NOW, this ____ day of August, 2007, upon consideration of Petitioner's Motion for Extension of Time to File Reply Brief, IT IS ORDERED that Petitioner's Reply Brief shall be filed on or before _____.

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2007, I electronically filed the foregoing Motion to Assign a Judge to the Case with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Loren C. Meyers, Esquire
Elizabeth R. Mcfarlan, Esquire
Department of Justice
820 N. French Street
Wilmington, DE 19801

/s/ Joseph M. Bernstein
JOSEPH M. BERNSTEIN (Bar #780)
800 N. King Street - Suite 302
Wilmington, DE 19801
302-656-9850
E-mail: jmbern001@comcast.net